



NATIONAL
CHARTER SCHOOL
RESOURCE CENTER
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Credit Enhancement Webinar Series: Recent Developments in CSP Guidance



About the National Charter School Resource Center

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What would you like to know about Charter Schools? Select Your Topic

Report:
Charter School Discipline: Examples of Policies and School Climate Efforts from the Field

Click here to access this report

What Are Charter Schools?

Charter schools are in 42 states, nearly 25 years old, and over 7% of k-12 students in the US are enrolled in one. Here is an explanation of this important trend

State Resources for Charters

Need help finding information about charter schools in your state? Click above for a map that will guide you to resources and contact information for each state

Most Popular Charter Resources

Click above for a list of our top resources. These resources include everything from reports on special education to documentaries on successful charters

- Funded through the **U.S. Department of Education**
- Makes accessible **high-quality resources** to support the charter school sector

Presenters

- National Charter School Resource Center: ***Mary Ann Spracher***, Technical Lead at Safal Partners
- U.S. Department of Education: ***Clifton Jones***, Program Officer for Credit Enhancement Grants, Charter Schools Program
- ***Jonathan Bettis***, Charter Schools Program
- ***Erin Pfeltz***, Charter Schools Program
- ***Amanda Dallo***, Attorney, Office for Civil Rights
- ***Soumya Sathya***, Charter Schools Program

Agenda (1)

➤ Introduction

- *Charter Schools Program State Education Agency (SEA) Grants: Notice of Proposed Priorities (NPP)*
- *Federal Definition of Charter Schools*
- *Weighted Lottery*
- *Single-Sex Schools*
- *Preschool*
- *GAO Audit Reports*

Introduction

➤ Key Objectives

- Discuss relevant policy updates
- Discuss movement in the charter sector

Agenda (2)

✓ Introduction

➤ **Charter Schools Program State Education Agency (SEA) Grants: Notice of Proposed Priorities (NPP)**

➤ *Federal Definition of Charter Schools*

➤ *Weighted Lottery*

➤ *Single-Sex Schools*

➤ *Preschool*

➤ *GAO Audit Reports*

SEA Notice of Proposed Priorities

SEA NPP

- Notice of Proposed Priorities, Requirements, Definitions, and Selection Criteria (NPP) – Charter Schools Program Grants to State Educational Agencies
- <https://www.federalregister.gov/articles/2014/11/19/2014-27264/proposed-priorities-requirements-definitions-and-selection-criteria-charter-schools-program-grants>

SEA NPP Importance

- Opportunity for public comment
- Forms basis for Notice of Final Priorities
 - Use in future grant competitions in order to foster the development of high-quality charter schools throughout the nation
 - Impact on charter school authorization
- <https://www.federalregister.gov/articles/2014/11/19/2014-27264/proposed-priorities-requirements-definitions-and-selection-criteria-charter-schools-program-grants>

SEA NPP: Comment Process

- Comments form basis for Final Priorities
- Submit comments through the Federal eRulemaking Portal located at: www.regulations.gov
- Comments due by January 5, 2015
- Publication and Department's response
- <https://www.federalregister.gov/articles/2014/11/19/2014-27264/proposed-priorities-requirements-definitions-and-selection-criteria-charter-schools-program-grants>

SEA NPP: Goal One

➤ First Goal: Greater Accountability

- Increase the likelihood that CSP funds are directed toward the creation of high-quality charter schools
- State education reform strategy
- Project performance

➤ <https://www.federalregister.gov/articles/2014/11/19/2014-27264/proposed-priorities-requirements-definitions-and-selection-criteria-charter-schools-program-grants>

SEA NPP: Goal Two

- Second Goal: Strengthen Public Accountability and Oversight for Authorized Public Chartering Agencies
 - Development of rigorous and transparent authorization process
 - Increase likelihood that CSP funds are directed to high-quality charter schools
 - Broad State-level improvement of charter schools
- <https://www.federalregister.gov/articles/2014/11/19/2014-27264/proposed-priorities-requirements-definitions-and-selection-criteria-charter-schools-program-grants>

SEA NPP: Goal Three

- Third Goal: Support Educationally Disadvantaged Students
 - Address questions about access to and performance in charter schools.
 - Consideration of student body diversity
 - Includes racial, ethnic, and socioeconomic diversity
- <https://www.federalregister.gov/articles/2014/11/19/2014-27264/proposed-priorities-requirements-definitions-and-selection-criteria-charter-schools-program-grants>

Questions and Answers

- Please remember to submit any questions in the chat box so that we may address your concerns.

Agenda (3)

- ✓ Introduction
- ✓ Charter Schools Program State Education Agency (SEA) Grants:
Notice of Proposed Priorities (NPP)
- **Federal Definition of Charter Schools**
 - **Weighted Lottery**
 - **Single-Sex Schools**
 - **Preschool**
- *GAO Audit Reports*

Federal Definition of a Charter School Section 5210 of the ESEA

Federal Definition of a Charter School (1)

- A charter school is a public school that:
 1. In accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of schools.
 2. Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction.

- <http://www2.ed.gov/programs/charter/nonregulatory-guidance.html>

Federal Definition of a Charter School (2)

- A charter school is a public school that:
 3. Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency.
 4. Provides a program of elementary or secondary education, or both.

- <http://www2.ed.gov/programs/charter/nonregulatory-guidance.html>

Federal Definition of a Charter School (3)

- A charter school is a public school that:
 4. Provides a program of elementary or secondary education, or both.
 5. Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution.

- <http://www2.ed.gov/programs/charter/nonregulatory-guidance.html>

Federal Definition of a Charter School (4)

- A charter school is a public school that:
 6. Does not charge tuition.
 7. Complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act of 1990, and part B of the Individuals with Disabilities Education Act.

- <http://www2.ed.gov/programs/charter/nonregulatory-guidance.html>

Federal Definition of a Charter School (5)

- A charter school is a public school that:
 8. Is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated.
 9. Agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State.

- <http://www2.ed.gov/programs/charter/nonregulatory-guidance.html>

Federal Definition of a Charter School (6)

- A charter school is a public school that:
 - 10. Meets all applicable Federal, State, and local health and safety requirements.
 - 11. Operates in accordance with State law.

- <http://www2.ed.gov/programs/charter/nonregulatory-guidance.html>

Federal Definition of a Charter School (7)

- A charter school is a public school that:
 12. Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.
- <http://www2.ed.gov/programs/charter/nonregulatory-guidance.html>

Federal Definition of a Charter School – Weighted Lotteries

CSP Nonregulatory Guidance (1)

- Weighted lotteries (lotteries that give additional weight to individual students who are identified as part of a specified set of students, but do not reserve or set-aside seats for students) are permitted only in certain circumstances.
- <http://www2.ed.gov/programs/charter/nonregulatory-guidance.html>

CSP Nonregulatory Guidance (2)

- Guidance updated in January 2014 to clarify circumstances in which charter schools receiving CSP funds may use weighted lotteries in admissions, specifically for educationally disadvantaged students.
- <http://www2.ed.gov/programs/charter/nonregulatory-guidance.html>

CSP Nonregulatory Guidance (3)

- Existing grantees may request approval to allow weighted lotteries as described in the Guidance by amending their grant applications. An applicant for future CSP competitions that wishes to use a weighted lottery should provide the same information in its grant application.
- Section E-3a of the Guidance describes the information that must be included in the request.
- <http://www2.ed.gov/programs/charter/nonregulatory-guidance.html>

Questions and Answers (1)

- Please remember to submit any questions in the chat box so that we may address your concerns.

Federal Definition of a Charter School – Single – Sex Schools

Single-Sex Schools

- **Extra Submission:** If a grant application involves an existing or proposed single-sex charter school, the applicant must submit additional information with its application.
- **Legal Authorities:** This supplemental submission must demonstrate the single-sex school's compliance with the Equal Protection Clause and Title IX.
- **Timing:** This submission can affect the timing of the grant because the Department cannot determine an applicant's eligibility without it. Until the Department is satisfied with the applicant's submission, an applicant seeking funds for a single-sex school cannot get its grant.

Equal Protection Clause

- The applicant's submission must:
 - Identify an important educational interest that the charter school seeks to achieve by operating on a single-sex basis;
 - Demonstrate a substantial relationship between the single-sex nature of the school and achievement of the important objective;
 - Identify a substantially equal single-sex or coeducational school for the excluded sex. The Department may ask applicants to identify BOTH a substantially equal single-sex AND coeducational option.

Substantial Relationship

- The substantial relationship between the single-sex nature of the school and the school's important objective must be directly supported by evidence.
- This evidence may not rely on overbroad generalizations about the sexes.
- Two examples of acceptable evidence:
 - Comparator schools: data showing that schools with similar student populations and class settings have achieved the charter school's important objective through the use of single-sex programming.
 - Research evidence: Would the evidence meet the standards in the Department's What Works Clearinghouse Procedures and Standards Handbook?

Title IX and Substantially Equal Schools

- Title IX requires a substantially equal single-sex or coeducational school for the excluded sex UNLESS the non-vocational charter school is its own single-school LEA. (34 C.F.R. § 106.34(c)(2).)

- Factors the Department considers:
 - The policies and criteria of admission;
 - The educational benefits provided;
 - The quality and availability of books, instructional materials, and technology;
 - The quality and range of extracurricular offerings;
 - The qualifications of faculty and staff;
 - Geographic accessibility;
 - The quality, accessibility, and availability of facilities and resources; and
 - Intangible features, such as reputation of the faculty.
 - (34 C.F.R. § 106.34(c)(3).)

Single-Sex Classes or Extracurricular Activities

- An applicant also needs to submit additional information if its targeted charter school operates or proposes single-sex classes.
- Title IX requirements for single-sex classes:
 - An important objective (either the diversity objective or the needs objective);
 - A substantial relationship between the single-sex nature of the class and the achievement of the important objective;
 - Evenhanded implementation of single-sex classes;
 - Voluntary enrollment;
 - A substantially equal coeducational option;
 - And self-conducted periodic evaluations of each single-sex class to ensure continued Title IX compliance.
 - Applicants should review 34 C.F.R. § 106.34(b) and “Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities,” available at:
<http://www2.ed.gov/about/offices/list/ocr/docs/faqs-title-ix-single-sex-201412.pdf>.

CSP Guidance on the Use of CSP Funds to Support Preschool Education

- CSP funds may be used “for grants that support preschool education in charter schools.” (Consolidated Appropriations Act, 2014)
- Only charter schools that meet the definition of “charter school” in section 5210(1) of the ESEA are eligible to receive funds under the CSP.
- To view the full FAQ document the Department released, please visit: <http://www2.ed.gov/programs/charter/csppreschoolfaqs.doc>

Questions and Answers (2)

- Please remember to submit any questions in the chat box so that we may address your concerns.

Agenda (4)

- ✓ Introduction
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- **GAO Audit Reports**

GAO Audit Reports

GAO Audit: Additional Federal Attention Needed to Help Protect Access for Students with Disabilities (1)

➤ GAO was asked:

- How do enrollment levels of students with disabilities in charter schools and traditional public schools compare, and what is known about the factors that may contribute to any differences?
- How do charter schools reach out to students with disabilities and what special education services do charter schools provide?
- What role do Education, state educational agencies, and other entities that oversee charter schools play in ensuring students with disabilities have access to charter schools?

GAO Audit: Additional Federal Attention Needed to Help Protect Access for Students with Disabilities (2)

➤ GAO found:

- In school year 2009-2010, which was the most recent data available at the time of our review, approximately 11 percent of students enrolled in traditional public schools were students with disabilities compared to about 8 percent of students enrolled in charter schools.
- Relative to traditional public schools, the proportion of charter schools that enrolled high percentages of students with disabilities was lower overall. Specifically, students with disabilities represented 8 to 12 percent of all students at 23 percent of charter schools compared to 34 percent of traditional public schools
- A higher percentage of charter schools enrolled more than 20 percent of students with disabilities.

GAO Audit: Additional Federal Attention Needed to Help Protect Access for Students with Disabilities (3)

- GAO recommended that the Department:
 - Update existing guidance to ensure that charter schools have better information about their obligations related to the enrollment of students with disabilities.
 - Conduct additional fact finding and research to understand the factors affecting enrollment of students with disabilities in charter schools and act upon that information, as appropriate.
 - To view the full GAO report, visit:
<http://www.gao.gov/assets/600/591435.pdf>

GAO Audit: Education Needs to Further Examine Data Collection on English Language Learners in Charter Schools

- GAO planned to conduct a similar audit into EL enrollment in charter schools.
- GAO was unable to compare ELL enrollment in charter schools to ELL enrollment in traditional public schools because they found that Education's available data on school-level ELL enrollment were unreliable and incomplete. ED is revising guidance to clarify how missing data should be reported.
- To view the full GAO report, visit:
<http://www.gao.gov/assets/660/655930.pdf>

GAO Audit:

Guidance Needed for Military Base Schools on Startup and Operational Issues

➤ GAO examined:

- The characteristics and origins of charter schools on military installations;
- The challenges charter schools on military installations have faced in starting up and continuing their operations.

➤ ED's response:

- Participation in ED/DOD working group on military-connected students
- Charter Schools and Military Communities: A Toolkit
- <http://www.charterschoolcenter.org/resource/charter-schools-and-military-communities-toolkit>

➤ To view the full GAO report, visit:

<http://www.gao.gov/assets/660/651951.pdf>

GAO Audit: Office of Innovation and Improvement's Oversight and Monitoring of the Charter Schools Program's Planning and Implementation Grants (1)

➤ Objectives

- To determine if OII had effective oversight and monitoring to ensure that SEA and non-SEA grantees met grant goals and objectives
- To determine whether OII ensured the SEA grantees had effective oversight and monitoring to ensure that SEA subgrantees met grant goals and objectives.

➤ To view the full GAO report, visit:

<http://www.gao.gov/assets/660/651951.pdf>

GAO Audit: Office of Innovation and Improvement's Oversight and Monitoring of the Charter Schools Program's Planning and Implementation Grants (2)

- **Finding #1:** OII did not conduct effective oversight of grantees receiving SEA and non-SEA grants.
- OII did not:
 - Require that grantees and subgrantees develop corrective action plans to address monitoring issues and deficiencies identified
 - Have a risk-based approach for selecting non-SEA grantees for monitoring
 - Adequately review grantee fiscal activities

GAO Audit: Office of Innovation and Improvement's Oversight and Monitoring of the Charter Schools Program's Planning and Implementation Grants (3)

➤ OII's Response:

- Increase in CSP staff
- Revise grantee corrective action plan process
- Implement risk-based selection of non-SEA grantees
- Review results of grantee monthly drawdown activity
- Include review of A-133 and independent audit reports in monitoring

GAO Audit: Office of Innovation and Improvement's Oversight and Monitoring of the Charter Schools Program's Planning and Implementation Grants (4)

- **Finding #2:** OII's process for ensuring SEAs effectively oversee and monitor subgrantees needs improvement.
- Including:
 - Inadequate monitoring of subgrantee charter schools
 - Inadequate methodologies to select charter schools for onsite monitoring visits
 - Lack of authorizing agency monitoring
 - Lack of grant fund tracking at subgrantee level
 - Unqualified SEA reviewers to conduct subgrantee monitoring

GAO Audit: Office of Innovation and Improvement's Oversight and Monitoring of the Charter Schools Program's Planning and Implementation Grants (5)

➤ OII's Response:

- Establish/implement requirements for grantee monitoring plans
- Communicate expectations regarding subgrantee and authorizer monitoring
- Offer technical assistance and guidance on subgrantee and authorizer monitoring
- Require all SEA grantees to submit subgrantee and authorizer monitoring plans
- Ensure that CSP monitoring includes comprehensive review of SEA practices to monitor subgrantees and authorizers

GAO Audit: Office of Innovation and Improvement's Oversight and Monitoring of the Charter Schools Program's Planning and Implementation Grants (6)

➤ **Finding #3:** OII did not ensure SEAs have adequate monitoring procedures for handling a charter school closure

➤ **OII's Response:**

- Communicate to SEAs responsibilities and expectations re: charter school closures
- Provide technical assistance and guidance re: proper handling of charter school closures
- Require SEA grantees to submit policies and procedures for handling charter school closures

Upcoming OIG Audits – CMOs and EMOs

➤ Purpose:

- To assess the current and emerging risk that charter school relationships with EMOs and CMOs pose to the Office of Elementary and Secondary Education (OESE), Office of Special Education and Rehabilitative Services (OSERS), and Office of Innovation and Improvement (OII) program objectives and evaluate the effectiveness of OESE, OSERS, and OII internal controls to mitigate the risk.

Upcoming OIG Audits – Oversight of Closed Charter Schools

➤ Purpose:

- To determine whether the US Department of Education has effective oversight of the programs provided to charter schools and sufficiently monitors SEAs to ensure:
 - Procedures and internal controls are in place to identify the causes for charter school closures, and for mitigating the risks of future charter school closures.
 - Close-out procedures for Federal funds received by a charter school are performed in accordance with Federal laws and regulations.
 - Assets acquired with Federal funds by a charter school that closes are disposed of in accordance with Federal laws and regulations.
 - Transfer of students from a charter that closes is performed in accordance with Federal laws and regulations.
 - Student information and records from closed charter schools are protected and maintained in accordance with Federal laws and regulations.

Accessing the Reports

- OII's Oversight and Monitoring of the CSP's Planning and Implementation Grants (Office of the Inspector General)

<http://www2.ed.gov/about/offices/list/oig/auditreports/fy2012/a02I0002.pdf>

- Charter Schools: Additional Federal Attention Needed to Help Protect Access for Students with Disabilities (GAO)

<http://www.gao.gov/assets/600/591435.pdf>

- Charter Schools: Guidance Needed for Military Base Schools on Startup and Operational Issues (GAO)

<http://www.gao.gov/assets/660/651951.pdf>

- Education Needs to Further Examine Data Collection on English Language Learners in Charter Schools

<http://www.gao.gov/assets/660/655930.pdf>

Questions and Answers (3)

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Contact

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➤ Visit Us

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